

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1, 5-6, 10, 12, 16-17, and 21-22 are cancelled. Claims 2-4, 7-9, 11, 13-15, 18-20, and 23-65 remain in this application as amended herein. Accordingly, claims 2-4, 7-9, 11, 13-15, 18-20, and 23-65 are submitted for Examiner's reconsideration.

In the Office Action, claims 2-4, 7, 9, 11, 13-15, 18-20, 24-40 and 45-61 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shear (U.S. Patent Application Publication No. 2001/0042043); and claims 41-44 and 62-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shear in view of Ottesen (U.S. Patent No. 5,654,747). Applicants submit that the claims are patentably distinguishable over the cited art.

Claim 2, for example, calls for:

control means for controlling stopping of transmission of a first signal derived from the reproduced data to the external apparatus through the interface in accordance with a result of the determining of the type of the external apparatus by said external-apparatus identifying means, said control means controlling the stopping of transmission of the first signal concurrent with said reproducing means reproducing the reproduced data and outputting a second signal derived from the reproduced data[.] (Emphasis added.)

The sections of Shear cited by the Examiner do not disclose or suggest controlling the stopping of transmission of a first signal concurrent with reproducing data and outputting a second signal derived from the reproduced data.

The Examiner nevertheless erroneously contends that Shear does teach these features and relies on paragraph [0168]. However, the relied-on paragraph merely describes a dedicated player that either (1) prevents copying of content or (2) allows copying of the content. There is no indication in the cited

paragraph that when the dedicated player prevents copying of the content, the content is reproduced as a signal and that signal is then blocked. Rather, a person of ordinary skill in the relevant art would reasonably construe the reference as teaching that when the dedicated player prevents copying of the content, the content is not reproduced so that no signal is generated.

Moreover, even assuming that the relied-on paragraph of Shear could teach that the content is reproduced as a signal and that the signal is then blocked, Shear at best implies there that the dedicated player either prevents output of a first signal or allows output of the first signal. There is no indication that another signal is outputted concurrent with the stopping of the first signal, and there is no indication that another signal is outputted concurrent with the outputting of the first signal.

The Examiner nonetheless appears to assert that the dedicated player either prevents output of a first signal or allows output of a second signal. However, because the cited paragraph of Shear does not at all describe the signals that would be used to deliver the content, Shear does not at all imply there that a different signal is generated when copying of the content is blocked than when copying is allowed.

Further, even assuming that the relied-on paragraph of Shear could teach that a first signal is generated when copying of the content is blocked and that a second signal is generated when copying of the content is allowed, the cited paragraph does not at all suggest that the second signal is outputted concurrent with the stopping of the first signal. Rather, the ordinary practitioner would reasonably construe the reference as teaching that no other signal is generated concurrent with the dedicated player blocking output of a first signal, and the ordinary practitioner would reasonably construe the reference as teaching that the first signal is not generated concurrent with

the dedicated player outputting the second signal.

It follows that the cited sections of Shear do not disclose or suggest the combination called for in claim 2 and do not anticipate the claim.

Claims 3-4, 7-9, 11, 13-15, 18-20, 23, 31, and 39-40 each include limitations similar to those described above regarding claim 2 and are each distinguishable over Shear for at least the same reasons.

Claims 24-30 and 58 depend from claim 23, claims 32-38 and 59 depend from claim 31, claim 45 depends from claim 2, claim 46 depends from claim 3, claim 47 depends from claim 4, claim 48 depends from claim 7, claim 49 depends from claim 8, claim 50 depends from claim 9, claim 51 depends from claim 11, claim 52 depends from claim 13, claim 53 depends from claim 14, claim 54 depends from claim 15, claim 55 depends from claim 18, claim 56 depends from claim 19, claim 57 depends from claim 20, claim 60 depends from claim 39, and claim 61 depends from claim 40. Each of claims 24-30, 32-38, and 45-61 is distinguishable over the cited art for at least the same reasons as the claim from which it depends.

As to claims 41-44, each of these claims includes limitations similar to those described above regarding claim 2 and for at least the same reasons, is distinguishable over Shear. The cited sections of Ottesen do not address these deficiencies.

Claim 62 depends from claim 41, claim 63 depends from claim 42, claim 64 depends from claim 43, and claim 65 depends from claim 44. Therefore, each of claims 62-65 is distinguishable over the cited art at least for the same reasons as its parent claim.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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